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Date: July 25, 2003

Patent

Attorney's Docket No. P-154-US1

|                                       |   |                                  |
|---------------------------------------|---|----------------------------------|
| In re Patent Application of           | ) |                                  |
|                                       | ) |                                  |
| MORAN et al.                          | ) | Group Art Unit: Not yet assigned |
|                                       | ) |                                  |
| Application No.: Not yet assigned     | ) | Examiner: Not yet assigned       |
|                                       | ) |                                  |
| Filed: Even date herewith             | ) |                                  |
|                                       | ) |                                  |
| For: CRYSTALLINE $\beta_2$ ADRENERGIC | ) |                                  |
| RECEPTOR AGONIST                      | ) |                                  |
|                                       | ) |                                  |

Commissioner for Patents  
Washington, D.C. 20231

In accordance with the duty of disclosure as set forth in 37 CFR §1.56, Applicants hereby submit the following information in conformance with CFR §§1.97 and 1.98. Enclosed herewith is form PTO-1449 which lists documents for consideration by the Examiner. Copies of the cited documents are also enclosed herewith.

The filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made (37 C.F.R. §1.97(g)), or as an admission that the information cited is, or is considered to be, material to patentability (37 C.F.R. §1.97(h)).

Consideration of the listed documents is respectfully requested. Additionally, the Examiner is respectfully requested to return an initialed copy of the enclosed form PTO-1449 to Applicants.

This Information Disclosure Statement is being filed before the mailing date of a first official action on the merits for this RCE application and therefore, no fee or certification is required under 37 CFR §1.97(b). In the event that an Office Action is mailed prior to receipt of this paper, the Commissioner is hereby authorized to charge the requisite fees under 37 CFR §1.97(c) for submission of this paper to Deposit Account No. 50-0344.

Should there be any questions concerning the cited documents, the Examiner is encouraged to telephone the undersigned agent for Applicants at (650) 808-3764 (direct).

Respectfully submitted,

THERAVANCE, INC.

Date: July 23, 2003

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Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

|       |   |    |   |
|-------|---|----|---|
| Sheet | 1 | of | 1 |
|-------|---|----|---|

**Complete if Known**

|                        |                   |
|------------------------|-------------------|
| Application Number     | Not yet assigned  |
| Filing Date            | July 25, 2003     |
| First Named Inventor   | Martin S. LINSELL |
| Art Unit               | Not yet assigned  |
| Examiner Name          | Not yet assigned  |
| Attorney Docket Number | P-154-US1         |

## U.S. PATENT DOCUMENTS

[illegible]

**FOREIGN PATENT DOCUMENTS**

| Examiner Initials* | Cite No. <sup>1</sup> | Foreign Patent Document                         | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Foreign Document | Pages, Columns, Lines, Where Relevant<br>Passages or Relevant Figures Appear | 1* |
|--------------------|-----------------------|---|--------------------------------|---|--|----|
|                    |                       | Country Code* - Number* - Kind Code* (if known) |                                |   |  |    |
|                    | B1                    | WO 92/22286                                     | 12-23-1992                     | Minnesota Mining and Manufacturing Company        |  |    |
|                    | B2                    | WO 99/53901                                     | 10-28-1999                     | Glaxo Group Limited                               |  |    |
|                    | B3                    | WO 00/61108                                     | 10-19-2000                     | Glaxo Group Limited                               |  |    |
|                    | B4                    | WO 02/066422 A1                                 | 08-29-2002                     | Glaxo Group Limited                               |  |    |
|                    | B5                    | WO 02/078933 A1                                 | 10-03-2002                     | Glaxo Group Limited                               |  |    |
|                    | B6                    | EP 0 717 987 A2                                 | 06-28-1996                     | Minnesota Mining and Manufacturing Company        |  |    |
|                    |                       |   |                                |   |  |    |
|                    |                       |   |                                |   |  |    |
|                    |                       |   |                                |   |  |    |
|                    |                       |   |                                |   |  |    |

|                       |                    |
|-----------------------|--------------------|
| Examiner<br>Signature | Date<br>Considered |
|-----------------------|--------------------|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. 1 Applicant's unique citation designation number (optional). 2 See Kind's Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the complete application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Room 1450, 1400 Independence Avenue, NW, Washington, DC 20580-6002. Send fees or COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22311-1450.

*If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.*